

REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the Office Action of April 21, 2006. Reconsideration of this application in light of the amendment, and the allowance of this application are respectfully requested.

Claims 1, 2, 4-6 and 8-58 were pending in the present application prior to the above amendment. In response to the Office Action, claims 1, 4, 19, and 33 have been amended, and claims 29-32, 46, and 51-58 have been canceled. Therefore, claims 1, 2, 4-6, 8-28, 33-45, and 47-50 are still pending in the present application, and are believed to be in proper condition for allowance.

Referring now to the Office Action, claims 1, 2, 21-23, 26-41, and 45-58 were rejected under the 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,236,990 to Geller et al. Initially, in response to this rejection, independent claims 29-32, and dependent claims 51-58 have been canceled. Thus, this rejection with respect to these canceled claims are believed to be rendered moot.

In addition, independent claim 1 has been amended in response to the Office Action to recite various limitations that were previously recited in claim 4 that is dependent on claim 1. In particular, claim 1 has been amended to recite assigning a tag to each essential feature category of each product category, and assigning a relation type of kind to each product category if the product category includes feature category having the tag of another product category, as well as one additional feature category. In addition, independent claim 1 has also been amended to recite that the product category is labeled as a child category of the other product category, which is labeled as a parent category.

As noted, these limitations added to independent claim 1 were previously recited in dependent claim 4 together with other additional limitations. Correspondingly, these limitations have already been considered by the Examiner, and these amendments do not raise any new issues. Claim 4 has now been amended above to delete these limitations added to claim 1. As further explained below relative to the Examiner's rejection of claim 4, the Applicants believe that these amendments place claim 1 in proper condition for allowance. Correspondingly, the

withdrawal of this rejection relative to independent claim 1, and claims 2, 21-23, 26-28, 49 and 50 is respectfully requested.

Furthermore, in response to the Office Action, independent claim 33 has been amended to include the limitations of claim 46 that was dependent thereon, and claim 46 has been canceled. In particular, independent claim 33 has been amended to specifically recite that the processor is adapted to reduce at least one of the plurality of weighting selections from the user to include additional products in the generated customized ranking. In contrast to the Examiners assertion, Geller et al. clearly does not disclose, teach, or otherwise suggest this feature where the processor reduces the weighting selection from a user, thereby allowing additional products to be included in the generated customized ranking of products that would otherwise be omitted. In this regard, the Examiner's position that Geller et al. discloses this feature is not understood, and clarification as to where in Geller et al. serves as the basis of the Examiner's rejection is respectfully requested. Correspondingly, the Applicants respectfully request reconsideration of independent claim 33 as now amended. Again, because the subject matter of claim 46 has already been considered by the Examiner, this amendment to independent claim 33 does not raise any new issues. Thus, the allowance of claims 33-45, and 47-48 that are dependent thereon, is respectfully requested, claim 46 having been canceled.

Referring again to the Office Action, claims 4-6, 8-18, 20, 24, 25, and 42-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Geller et al. In this rejection, the Examiner has taken official notices that the recited limitations of these dependent claims are common knowledge in the commercial art. Thus, the Examiner asserts that providing these features in the system of Geller et al. would have been obvious to one of ordinary skill in the art. The Applicants respectfully disagree with this rejection for the reasons set forth herein below.

In particular, as set forth in the MPEP, it is noted that "official notice without documentary evidence to support an examiner's conclusion is permissible in some circumstances. While 'official notice' may be relied on, these circumstances should be rare when an application is under final rejection." In addition, "there must be some form of evidence in the record to support an assertion of common knowledge."

Furthermore, the Examiner "must provide specific factual finding predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge." See MPEP 2144.03.

It is noted that the Examiner does not provide any such evidence to support this assertion of common knowledge. In addition, no specific factual finding is provided to support the rejection of the dependent claims as reciting features that are common knowledge as required under the MPEP. For example, dependent claim 4 recites the limitation of assigning of tags to each essential feature category of each product category based on available data. This tagged information is also recited to be utilized for assigning a relation type of kind if the product category includes all of the feature categories having the tag of another product category, but also includes at least one feature category that the other product category does not have. This tag information is further recited as being used to assign the relation type of kind, which allows the recited labeling of a child category and the parent category.

The Examiners official notices are believed to be improper in that such assignment of tags to each essential feature category of each product category, and/or the assigning of relation type of kind based on such tags, were not known when the present application was filed on May 25, 2000, much less at the time of invention. As noted, these limitations of claim 4 have been incorporated into independent claim 1, and deleted from dependent claim 4 by the above amendment. Similar arguments are believed to be applicable with respect to the other remaining limitations recited in dependent claim 4, such as using the assigned relation to create a hierarchical product category tree, and where changing the assigned weighted importance of a feature in the parent category changes the assigned weighted importance of the feature in the child category. Further, similar arguments are believed to be applicable for the limitations recited in claim 5 which specifically recites that the assigned weighted importance of the feature in a child category overrides weighted importance assigned to the feature of the parent category.

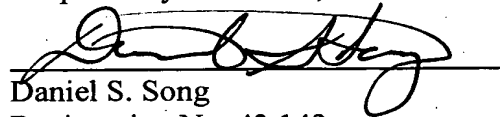
Thus, the Applicants respectfully contend that the Examiners official notices of this rejection asserting that the recited features were common knowledge are improper in that such features are believed to be unknown at the time of filing of the

present application, or at the time of invention. Correspondingly, the withdrawal of this rejection, and the allowance of claims 5, 6, 8-18, 20, 24, and 25 which are ultimately dependent on the above amended independent claim 1, are respectfully requested. In addition, with respect to dependent claims 42-44, this rejection is believed to be rendered moot in view of the above amendments to independent claim 33 upon which these claims ultimately depend. Correspondingly, the withdrawal and allowance of these claims are respectfully requested. To the extent that the rejections are maintained, the Applicants respectfully request that the Examiner identify a particular reference disclosing the features that were deemed to be of common knowledge in the Examiner's official notices.

Finally, it is noted that the Office Action does not address pending claim 19. Presuming that this claim stands rejected, any such rejection is also believed to be rendered moot in view of the above amendment to independent claim 1 upon which claim 19 depends, claim 19 also having been amended in view of amendments to independent claim 1.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if any issue remains after considering this response, the Examiner is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,



Daniel S. Song
Registration No. 43,143

NIXON PEABODY LLP
401 9th Street, N.W., Suite 900
Washington, D.C. 20004-2128
(202) 585-8000
(202) 585-8080 (Fax)
Customer No. 22204

Dated: August 16, 2006